

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-HC-2187-D

CHARLES A. RIPPY BEY,

Petitioner,

v.

UNNAMED RESPONDENT and
HARVEY CLAY,

Respondents.

ORDER

On September 12, 2017, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 12] and recommended dismissing without prejudice Charles A. Rippy Bey’s (“Rippy Bey”) 28 U.S.C. § 2241 petition as duplicative. See [D.E. 12] 2. Rippy Bey objected to the M&R [D.E. 13].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

Rippy Bey’s objections do not meaningfully address the M&R. Because Rippy Bey’s objections fail to meaningfully address the M&R, de novo review is not required. See, e.g., Wells v. Shriners Hosp., 109 F.3d 198, 200–01 (4th Cir. 1997); Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).

Alternatively, Rippy Bey's objections lack merit. Rippy Bey challenges the constitutionality of his parole proceedings. Pet. [D.E. 1] 4–5. Rippy Bey raised this claim in another action, and the court dismissed the claim on June 1, 2018. See Rippy Bey v. Perritt, No. 5:15-HC-2097-FL, [D.E. 43] (E.D.N.C. June 1, 2018). Accordingly, Rippy Bey's claims are duplicative.

In sum, after reviewing the M&R, the record, and Rippy Bey's motions, the court ADOPTS the conclusions in the M&R [D.E. 12], OVERRULES Rippy Bey's objections [D.E. 13], and DISMISSES Rippy Bey's petition without prejudice. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 483–84 (2000). The clerk shall close the case.

SO ORDERED. This 24 day of August 2018.



JAMES C. DEVER III
Chief United States District Judge